

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE LOCAL 1034
I.B.T. INSURANCE TRUST FUND, et al.,

Plaintiffs,

08 CV 1234 (SJ) (SMG)

-against-

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

MENNA CONTAINER & DRUM, INC.,

Defendant.
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A P P E A R A N C E S
GOLDBERG WEPRIN FINKEL GOLDSTEIN LLP
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By: Arthur A. Hirschler
Attorneys for Plaintiffs

JOHNSON, Senior District Judge:

Presently before the Court is a Report and Recommendation (“Report”) prepared by Magistrate Judge Steven Gold. Judge Gold issued the Report on February 18, 2010, and provided the parties with 14 days to file any objections. Neither party filed any objections to the Report. For the reasons stated herein, this Court affirms and adopts the Report in its entirety.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any

party may file written objections to the magistrate's report. See Id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See Id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985).

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. See 28 U.S.C. § 636(b)(1); Small v. Sec'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

In this case, the Report was filed on February 18, 2010 and the time to file objections has expired. Accordingly, upon review of the recommendations, this Court adopts and affirms Magistrate Judge Gold's Report in its entirety. The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: March 9 , 2010
Brooklyn, NY

/s/
Senior United States District Judge